



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI III. REGIS.

Cap. 112.

An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and altering and enlarging the Powers, of Two Acts, passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, and in the Tenth Year of the Reign of His present Majesty, for repairing and widening the Road from *Sutton*, in the County of *Surrey*, through the Borough of *Reigate*, by *Sidlow Mill*, to *Povey Cross*, and several other Roads therein mentioned, in the same County. [9th July 1800.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing and widening the Road from Sutton, in the County of Surrey, through the Borough of Reigate, by Sidlow Mill, to Povey Cross, and from Sutton aforesaid through Cheam, and over Howell Hill to Ewell; and also the Road from Tadworth by The Windmill to the Bottom of Pebble Hill, in the said County*: And whereas another Act was passed in the Tenth Year of the Reign of His present Majesty for enlarging the Term of the said recited Act, and for empowering the Trustees appointed

Preamble.
28 Geo. II, and
10 Geo. III, re-
cited.

appointed by an Act of the Tenth Year of His late Majesty King *George* the First, for repairing several Roads in the Counties of *Surrey* and *Sussex*, to make a yearly Allowance to the Trustees appointed by the said Act of the Twenty-eighth of King *George* the Second; and for taking certain Roads out of the Power of the Trustees appointed by the said Act of the Tenth of *George* the First, and putting them under the Direction of the Trustees appointed by the said Act of the Twenty-eighth of *George* the Second; and for repairing the Road from *Povey Cross*, in the County of *Surrey*, to *The Oak*, dividing the Counties of *Surrey* and *Sussex*, and also the Road from *Woodhatch* to *Peteridge Lane*, in the County of *Surrey*: And whereas the Trustees appointed in or by virtue of the said recited Acts have proceeded in the Execution thereof, and have borrowed several large Sums of Money on the Credit of the Tolls granted by the said Acts, which have been duly expended according to the Directions of the said Act; but the said Roads cannot be effectually improved and kept in Repair, nor can the Money so borrowed, and which is still due and owing, be repaid, unless the Term of the said Acts be continued, and some of the Powers and Provisions thereof altered, amended, and enlarged, and the Tolls increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, and the Tenth Year of the Reign of His present Majesty, and all the Authorities, Powers, Privileges, Provisions, Penalties, Clauses, Matters, and Things therein contained, (except such as relate to Exemptions from Stamp Duties), shall be and continue in full Force, and be executed for and during the Term herein after mentioned, as fully and effectually to all Intents as if the same were herein particularly repeated and re-enacted, but subject nevertheless to the Amendments, Alterations, and Additions herein contained, and which shall commence and take effect from the passing of this Act; and the additional Term, and the Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies now due and owing upon the Credit or on the Account of the said former Acts, or either of them, or hereafter to be borrowed and become due on the Credit of the Tolls granted by the said former Acts and this Act, and of all Interest due and to grow due for the same respectively.

Former Acts
continued.

Additional
Trustees.

II. And be it further enacted, That the Right Honourable Lord *Arden*, in the Kingdom of *Ireland*, the Honourable *William Henry Bouverie*, the Honourable *John Sommers Cocks*, *Robert Petrie* Doctor of Physick, *Joseph Sydney Yorke*, *William Jolliffe*, *William Moffatt*, *John Petrie*, *Charles Henry Bouverie*, *Ambrose Hall*, *Henry Peters*, *Thomas Griffith*, *Hilton Jolliffe*, *Humphrey Hall*, *Robert Hudson* the younger, *George Adams*, *Beeston Long*, *John Antrobus*, and *Thomas Parry*, Esquires, the Reverend *Willoughby Bertie*, the Reverend *Martin Benson*, the Reverend *Arthur Howman*, the Reverend *Henry Wise*, the Reverend *William John Jolliffe*, *Michael William Barnes*, *William Sanders Robinson*, *William Clutton* the younger, *Robert Piper*, *John Carter*, *John Goose*, and *James Alexander*, (being qualified according to the Directions of the said first-recited Act), shall be, and they are hereby nominated and appointed Trustees, together with the Trustees nominated in or elected by virtue of the said former Acts

Acts or either of them, for putting the said former Acts and this Act in Execution.

III. And whereas the Tolls by the first-mentioned Act granted, have been found insufficient for the proper Improvement and Repair of the said Roads; be it therefore enacted, That the said Tolls shall, from and after the passing of this Act, cease and be no longer paid; and that instead thereof there shall be demanded and taken, at the Gates or Turnpikes erected or to be erected in or across the Road leading from *Sutton* to *Reigate*, and from *Sutton* through *Cheam* over *Howell Hill* to *Ewell*, and from *Tadworth* by *The Windmill* to the Bottom of *Pebble Hill*, or any Lane leading into the same, before any Horse, Cattle, or Beast, herein-after specified, shall be permitted to pass through any of the said Gates or Turnpikes, the respective Tolls following; (that is to say),

Former Tolls repealed and new ones granted.

For every Horse, Mule, or other Beast, drawing any Coach, Berlin, Landau, Chariot, Calash, Hearse, Chaise, Curricule, Chair, or other such Carriage, Four-pence: Tolls.

For every Horse or other Beast, drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches or upwards, Three-pence:

For every Horse, Ox, or other Beast, drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, and under the Breadth of Nine Inches, Four-pence:

For every Horse or other Beast, drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches, Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny Halfpenny:

For every Drove of Oxen or other Neat Cattle Ten-pence per Score, and so in Proportion for any less Number than a Score:

For every Drove of Calves, Sheep, Lambs, or Swine, Five-pence per Score, and so in Proportion for any less Number than a Score:

And for passing through the Gate or Turnpike, Gates or Turnpikes erected or to be erected in or across the Road leading from the Borough of *Reigate* aforesaid to *The Oak* dividing the Counties of *Surrey* and *Suffex*, and in or across the Road leading from *Woodbatch* to *Peteridge Lane*, and from the Beginning of *Peteridge Lane* to the further End of *Bonehurst* otherwise *Boners Lane*, in the Parish of *Horley*, or any Lane leading into the said respective Roads or any of them, before any Horse, Cattle, or Beast, herein-before specified shall be permitted to pass through any of the said Gates or Turnpikes, the several and respective Tolls which are herein-before directed to be demanded and taken for any Horse, Cattle, or Beast passing through the Gates or Turnpikes erected or to be erected in or across the Road leading from *Sutton* to *Reigate*, and from *Sutton* through *Cheam*, over *Howell Hill* to *Ewell*, and from *Tadworth*, by *The Windmill*, to the Bottom of *Pebble Hill*.

Which several Tolls are hereby vested in the said Trustees, and shall and may be demanded, collected, recovered, applied, and disposed of, in such Manner and for such Purposes as are directed by the said recited Acts with respect

respect to the Tolls thereby authorized to be taken, but subject to the Provisions and Directions of this Act.

Persons passing through any of the Turnpikes with the same Cattle in the same Day, to pay Toll every other Time.

IV. And whereas it is provided by the first-mentioned Act, that no Person shall be subject to pay Toll more than Once in any One Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), for passing with the same Cattle and Carriage through all or any of the Turnpikes which should be erected by virtue of that Act, such Person producing a Note or Ticket of the Payment of such Toll, which Note or Ticket the Collectors were thereby respectively required to give *gratis* upon Receipt of the Toll; which Exemption in its present Extent materially affects the Revenues of the said Roads; be it therefore enacted, That such Exemption from Toll shall, from and after the passing of this Act, be limited and restrained to the passing and repassing through any of such Turnpikes Twice on any One Day (to be computed as aforesaid) with the same Cattle through all or any of the Gates or Turnpikes now erected or to be erected by virtue of the said former Acts and this Act; and that no Person shall be permitted to pass a Third Time in any One Day (to be computed as aforesaid) with the same Cattle through any of the Gates or Turnpikes aforesaid, until he shall pay such and the same Toll as may be demanded and taken from him under and by virtue of this Act, upon his first passing in any Day with such Cattle through any of the said Gates or Turnpikes, and that every other Time any Person shall so pass in one and the same Day with the same Cattle, the said Tolls shall be demanded and paid by such Person.

Limiting the Toll to be taken for Horses, &c. drawing Waggon, etc. laden with Chalk to be converted into Manure.

V. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed or construed to extend, to charge any Horse, Ox, or other Beast drawing any Waggon, Cart or other Carriage laden with Chalk to be converted into Manure, to be used upon the Lands or Grounds in the actual Occupation of the Person or Persons to whom such Horse, Ox, or other Beast, and Carriage shall *bonâ fide* belong, with more than One Toll in one and the same Day, (to be computed as aforesaid), such Toll to be payable and paid at the first Turnpike or Toll Gate through which such Horse, Ox, or other Beast and Carriage shall pass, after the same shall have been laden with Chalk so to be converted into Manure to be used as aforesaid.

Repealing a Clause in the former Act for allowing 4l. per Centum Interest on Monies borrowed.

VI. And whereas the Trustees under the said former Acts are thereby restrained from the Payment of a greater Interest upon the Monies that may be borrowed for the Purposes thereof, than Four Pounds *per Centum per Annum*, and it is reasonable that the Rate of Interest should be increased: Be it therefore enacted, That so much of the said recited Clause as relates to such Interest of Four Pounds *per Centum per Annum*, shall be, and the same is hereby repealed.

Allowing 5l. per Centum Interest on Monies borrowed.

VII. And be it further enacted, That the said Trustees, or any Five of them may, and they are hereby empowered from Time to Time to assign over the said Tolls, or any Part thereof, as a Security for any Monies hereafter to be borrowed for the Purposes of the said former Acts and this Act, to any Person or Persons who may advance and lend the same; and that the Assignments so to be made, shall be in the same Manner as is directed in and by the said first mentioned Act, but with legal Interest for the

the Monies thereby secured, or proposed or intended to be secured, and that the like legal Interest shall be also paid for the Monies already borrowed for the Purposes of the said Acts, from the Twenty-ninth Day of *September* in the Year One thousand eight hundred.

VIII. And be it further enacted, That it shall be lawful for the Trustees, or any Nine or more of them, present at their Meetings, (Ten Days Notice in Writing of such Meetings, and of the Purpose for which they are to be holden, being first given by affixing the same upon the different Gates or Turnpikes), to grant to the Inhabitants of the several Parishes and Places in which any of the said Roads may be, such Exemptions, either partial or total, from the Payment of Toll for the Horses and Carriages of such Inhabitants, passing through any of the Turnpikes or Gates to or from their proper Parish, or Parochial Church, Chapel, or any other Place of Religious Worship they usually resort to on *Sundays*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, and also for the Horses and Cattle, drawing or not drawing, laden or unladen, of such Inhabitants as aforesaid, passing through any of the Turnpikes or Gates aforesaid, for the Purpose of Husbandry only in the respective Parishes or Places in which such Persons may inhabit, and passing to any Mill or Mills with their Corn to be ground, and repassing from the same with their Corn so ground, such Corn being for the Use of their respective Families, as to the said Trustees shall seem meet.

Power to exempt from the Payment of Tolls, either in Part or in the Whole, the Inhabitants of the Parishes where the Roads lie, passing through the Turnpikes in their Way to or from Church, or for Husbandry Purposes.

IX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound and agree with any Person or Persons for the passing of any Carriage, Horses, Beasts, or other Cattle travelling on the said Roads, for all or any of the Tolls to be paid in respect thereof, for any Term not exceeding One Year at any One Time; which Composition Money shall be paid in advance Quarterly, or otherwise as the said Trustees shall think fit; and in Default of such Payment the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition Money shall be applied in such Manner as the Tolls are hereby directed to be applied.

Trustees may compound for Tolls.

X. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, at their Meetings, (such Notice of such Meetings, and of the Purpose for which they are to be holden, to be given as aforesaid), to lessen and reduce, in such Manner and Proportion, and for such Time as to them shall seem meet, the Tolls payable for any Cart, Waggon, or other Carriage, with the Loading thereof, which upon passing over any Machine or Engine now erected or hereafter to be erected upon any of the said Roads, shall be of greater Weight than is allowed by any Act or Acts of Parliament now in Force relating thereto; any Thing in such Act or Acts contained to the contrary thereof in anywise notwithstanding.

Power to lessen the Tolls in respect of Over weight.

XI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any

Application of Compensation, where exceeding 200*l.*

or Incapacity as in the said first recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200 l. nor less than 20 l.

XII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees, (such

(such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

XIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20 £.

XIV. And whereas it is enacted by the said first-recited Act, that the Assignments, Conveyances, and Transfers, of the Monies to be borrowed by virtue of the said Act, and all the Orders, Contracts, and other Proceedings of the Trustees appointed by or by virtue of the same Act, should be entered at Length in One or more Book or Books, to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, which Book or Books should be seen and perused at all seasonable Times, without Fee or Reward, by any Person or Persons whomsoever: Be it therefore enacted, That so much of the said recited Act as relates to the seeing and perusing the said Book or Books, shall be and the same is hereby repealed; and that the Treasurer, Surveyor, and Clerk of the said Roads, shall and they are hereby required, on Application of any One or more of the said Trustees, or Creditors under the said Trust, at all seasonable Times, to produce their Books of Receipt and Expenditure, and all other Accounts, and all Orders or Proceedings whatsoever relative to the said Trust, and to permit the said Trustees or Creditors, or any One or more of them, to take Copies of the said Accounts and Proceedings.

Trustees and Creditors to have the Inspection of Accounts, &c.

XV. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and passing of this Act, shall be paid out of any Money already raised under the said Acts or either of them, or out of the first Money which shall be raised or borrowed upon the Credit of the said Acts and of this Act, in Preference to all other Payments whatsoever.

Expences of obtaining this Act to be paid out of the Money to be first raised.

XVI. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without its being specially pleaded.

Publick Act.

XVII. And be it further enacted, That the Term granted by the said recited Acts shall, from and after the passing of this Act, cease and be determined, and that the said Acts (subject to the Variations, Alterations,

Continued for 21 Years, and till the End of the then next Session of Parliament.

tions, and Additions herein contained), and this Act, shall thenceforth continue and be in Force, and be executed for and during the Term of Twenty-one Years; and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1800.